

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AYUSH HERBS INC,

Plaintiff,

v.

MAHITA LLC d/b/a PUSHMYCART, and
NOVA WEB INNOVATIONS PVT LTD,

Defendants.

CASE NO. 2:24-cv-00607-TL

ORDER TO SHOW CAUSE

This is an action regarding alleged infringement of Plaintiff's registered trademarks and related unfair competition and state law claims. The matter comes before the Court *sua sponte*, upon review of the record. Plaintiff Ayush Herbs, Inc., filed this action on May 2, 2024. Dkt. No. 1. Summons were issued on May 3, 2024. Dkt. No. 3. To date, no proof of service has been filed, and neither defendant has appeared in this action. Indeed, there has been no activity in the case since the Court entered a housekeeping Order on May 8, 2024. *See* Dkt. No. 6.

Federal Rule of Civil Procedure 4(m) provides that, "[i]f a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice

1 against that defendant or order that service be made within a specified time.” The Court may also
2 dismiss a case for a plaintiff’s failure to prosecute their case. *See Ash v. Cvetkov*, 739 F.2d 493,
3 496–97 (9th Cir. 1984) (“It is within the inherent power of the court to sua sponte dismiss a case
4 for lack of prosecution.”) (internal citations omitted); *see also* Fed. R. Civ. P. 41(b) (allowing for
5 involuntary dismissal where a plaintiff fails to prosecute). More than ninety (90) days have
6 elapsed since the complaint was filed, and no proof of service, no appearance of Defendant, or
7 other indication of service has been filed.

8 Accordingly, Plaintiff is DIRECTED to SHOW CAUSE, **within fourteen (14) days of this**
9 **Order (i.e., by September 10, 2024)**, why this case should not be dismissed without prejudice
10 for failure to serve process or for failure to prosecute.

11 Dated this 27th day of August 2024.

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14 Tana Lin
15 United States District Judge
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